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Attorney for the People

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF YOLO**

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

JAMES EDWARD HORTON,

Defendant.

Case No.: 15-6705

**PEOPLE'S MOTIONS IN LIMINE**

Trial: February 16, 2016

Time: 8:30 a.m.

Dept.: 10

TO THE ABOVE-ENTITLED COURT, DEFENSE COUNSEL AND THE DEFENDANT,  
THE PEOPLE MOVE FOR THE FOLLOWING MOTIONS IN LIMINE:

**I. ALL *WHEELER/BATSON* CHALLENGES SHOULD BE HEARD OUTSIDE THE  
PRESENCE OF THE JURY.**

The People move for an order requiring all objections to the exercise of peremptory  
challenges pursuant to *People v. Wheeler* (1978) 22 Cal.3d 258, and or *Batson v. Kentucky*  
(1986) 476 U.S. 79, be made at the bench or outside the presence of the jury.

**II. THE PEOPLE REQUEST THAT THE COURT DISALLOW SPEAKING  
OBJECTIONS IN FRONT OF THE JURY**

The People move for an order that the attorneys refrain from all speaking objections in the  
presence of the jury, but that they should state the basis for the objection only, in front of the  
jury. All argument should take place outside the presence of the jury to avoid prejudice to either  
side.



1     **III. ALL ACTUAL OR POTENTIAL WITNESSES SHOULD BE EXCLUDED FROM**  
2     **THE COURTROOM DURING THE TRIAL PROCEEDINGS.**

3     The People move to exclude any potential witnesses from the courtroom during trial  
4 proceedings pursuant to California Evidence Code Section 777

5     **IV. THERE SHOULD BE NO REFERENCES OR ALLUSIONS TO PUNISHMENT**  
6     **DURING ANY PORTION OF THE TRIAL BY EITHER SIDE, NOR SHOULD**  
7     **THERE BE ANY REFERENCE TO PRE-PLEA NEGOTIATIONS.**

8     The People move to exclude any and all references to punishment or other consequences  
9 post trial including, but not limited to, references to “throwing in jail,” references to “prison,” or  
10 that persons convicted of crimes typically serve a term of commitment. A jury in a criminal case  
11 is not permitted to consider the question of penalty or punishment. (*People v. Jackson* (1986)  
12 177 Cal. App. 3d 708, 712.) To that end, CAL CRIM 200 and 706 prohibit members of the jury  
13 from considering punishment in their determination of guilt.

14     Offers and counteroffers made during pre-plea negotiations made by either side before a  
15 trial are inadmissible and should be excluded.

16     **A. THE COURT SHOULD ORDER THAT IF THE DEFENDANT TESTIFIES, HE**  
17     **MAY NOT DISCUSS PUNISHMENT OR PRE-PLEA NEGOTIATIONS.**

18     In order to give effect to this motion, the Defendant, as well as the attorneys in this case,  
19 should not reference punishment or pre-plea negotiations during the trial. As such, the court  
20 should order that Defendant may not discuss punishment or pre-plea negotiations

21     **V. THERE SHOULD BE NO REFERENCES OR ALLUSIONS TO THE LACK OF**  
22     **CRIMINAL HISTORY FOR THE DEFENDANT OR ANY WITNESS.**

23     Pursuant to Evidence Code section 786, a lack of a criminal history is not admissible to  
24 bolster credibility. Accordingly there should be no references or allusions to the lack of a  
25 criminal history for the Defendant or any witness.

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1       **A. THE COURT SHOULD ORDER THAT IF THE DEFENDANT TESTIFIES, HE**  
2       **MAY NOT DISCUSS A LACK OF A CRIMINAL HISTORY.**

3       In order to give effect to this motion, the Defendant, as well as the attorneys in this case,  
4       should not reference a lack of a criminal history for the Defendant or any witness. As such, the  
5       court should order that may not discuss a lack of a criminal history by the Defendant.

6       **VI. THERE SHOULD BE NO CLAIMS THAT DEFENDANT IS AT A**  
7       **DISADVANTAGE BECAUSE HE IS PRO-PER.**

8       Consistent with *Faretta* and *Lopez*, Defendant has been advised that representing himself  
9       may be to his own detriment, and that he will not be given quarter on account of his lack of skill  
10      or experience. (*Faretta v. California* (1974) 422 U.S. 806; *People v. Lopez*, (1977) 71  
11      Cal.App.3d 568.) Accordingly, there should be no claim during trial that he is at a disadvantage,  
12      as that would serve no purpose, except to prejudice the jury.  
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15      Dated: February 3, 2016

Respectfully submitted,

16                   JEFF W. REISIG  
17                   DISTRICT ATTORNEY



18                   FRITS VAN DER HOEK / 300122  
19                   Deputy District Attorney  
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SUPERIOR COURT No. 15-6705

PROOF OF SERVICE

I, ELIZABETH RODRIGUEZ, declare:

I am a citizen of the United States and a resident of the county of Yolo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 301 Second Street, Woodland, California 95695. On February 4, 2016, I served the within document: PEOPLES' MOTIONS LIMINE

☐ by placing a true copy thereof in the box located at 301 Second Street, Woodland and clearly designated for daily pick-up by the parties set forth below:

☒ by transmitting via email the document listed above on this date before 5:00 pm to the email address set forth below:

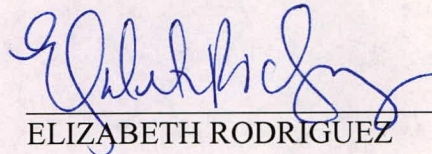
jakovos@gmail.com

☒ by placing a true copy of the above document in a sealed envelope and deposited the same in the United States mail at Woodland, California, addressed as follows:

JAMES HORTON  
PRO PER  
814 NORTH STREET  
WOODLAND, CA 95695

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 4, 2016 at Woodland, California.

  
ELIZABETH RODRIGUEZ